

Response to Rule 312 Communication**Application No.**

09/424,431

Applicant(s)

WONG ET AL.

Examiner

MICHAEL G. MENDOZA

Art Unit

3734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 3 May 07 & 22 May 07 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☒ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

The amendments to the claims filed 3 May 2007 will not be entered. The claim amendments broaden the claims.

This application was filed under 35 USC 371. It is the national stage case of PCT/US98/10389 that has entered the national stage. The 120 or 365 benefit claim is not consistent with a 371 application.

As an additional issue, the declaration submitted 11/23/1999 claims benefit to provisional application 60/063454. To complete this benefit claim the first line of the specification should be amended to reference the benefit claim. See 37 CFR 1.78(a)(4)-(5).

Additionally, on 12/06/04 applicant submitted an amendment to the specification stating that the case was claiming priority under 35 USC 1.11(b). If applicant is trying to change the filing status from 35 USC 371 to 35 USC 1.11(b) this should be done with a petition.

/Todd E Manahan/
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